

## IDENTIFYING BILINGUAL POSITION NEEDS AND CALCULATING DEFICIENCIES

The Dymally-Alatorre Bilingual Services Act (Act) was enacted to ensure the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them. The provision of information and services to the public, in the native language of non- or Limited-English-speaking people, is required by the Act. Identification of the level of public contact with the non- or limited-English speaking public is determined based on the department's biennial language survey results. The Act requires that where there is a "substantial" amount of public contact in any language other than English, the department must employ certified bilingual staff and should translate relevant documents. The Act defines "substantial" as comprising 5 percent or more of the people served by a local office (unit).

### Bilingual Staffing and Deficiencies

When a department reports it receives a substantial level of contacts (5% or more) in any local office, the Act requires that it employ a sufficient number of bilingual staff in public contact positions to ensure it provides the same level of service to the non- or limited-English people as is available to English-speaking persons seeking such services. When the department's language survey data reflects that a unit meets the 5% threshold for any non-English language, a calculation is performed to determine equal level of services. The number of bilingual positions is calculated and then it is compared to the number of certified bilingual staff the department reports it employs in that unit for the applicable language(s). When the number of bilingual staff is not sufficient, the number of additional bilingual staff needed to achieve equal level of services is identified as bilingual position deficiencies.

The following examples demonstrate how bilingual position deficiencies and recommended staffing needs are determined for individual units. The chart below is a Unit Summary Report for a fictitious department and is for illustration purposes only.

#### UNIT SUMMARY REPORT

Example 1					Example 2	
Language	Number of Contacts	% of Contacts	Public Contact Staff	Bilingual Staff Required	Bilingual Position Deficiencies (5% or greater)	25 or More Contacts, but less than 5%
Arabic	73	4.33	0.0	0.0	0.0	1.0
Armenian	9	.53	0.0	0.0	0.0	0.0
Cantonese	96	5.70	0.8	1.3	0.5	0.0
English	1,224	72.72	19.0		0.0	0.0
Farsi	3	0.17	0.0	0.0	0.0	0.0
Korean	36	2.13	0.0	0.0	0.0	0.5
Spanish	147	8.73	2.5	1.9	0.0	0.0
Tagalog	19	1.13	0.0	0.0	0.0	0.0
Vietnamese	76	4.51	0.0	1.0	1.0	0.0
TOTALS	1,683	100.00	22.3	4.2	1.5	1.5

PLEASE NOTE: Bilingual position deficiencies are computed by unit. The department's unit summary reports should be used to identify where the department met the 5% threshold and for which non-English languages.

**Example 1** – A state department reports that one of its units received a total of 1,683 public contacts during the two-week survey period. Of these contacts, 459 were with individuals who are non- or limited-English proficient (LEP). The summary report shows that the Cantonese, Spanish and Vietnamese

languages met the 5% threshold. The report shows the Vietnamese language represented 4.51% of the unit's total public contacts and the Arabic represented 4.33%. The Act requires the percentage of non- or limited-English-speaking contacts be rounded to the nearest whole percentage point. Therefore, this rounding would result in the nearest whole percentage being 5% for Cantonese and 4% for Arabic.

The report for this unit indicates that it employs 22.3 public contact staff, of which 3.3 are fluent in non-English languages (Cantonese [0.8] and Spanish [2.5]). However, the required level of staffing would require this unit employ 4.2 certified bilingual staff (Cantonese [1.3], Spanish [1.9] and Vietnamese [1.0]). To determine the total number of bilingual staffing required, a calculation is performed to determine "equal level of services". This is computed by multiplying the number of public contact positions by the percentage of the language contacts (e.g. 5.70% of 22.3 public contact staff computes to 1.27 bilingual positions); therefore, the required staffing would be 1.3 positions filled with certified staff fluent in the Cantonese language.

To determine the number of bilingual position deficiencies for the Cantonese language, the required number of bilingual staff is subtracted from the number reported in the unit (e.g., 1.3 minus 0.8 equals 0.5 bilingual position deficiencies). For the Spanish language, the unit reported it employs more certified bilingual staff (2.5) than the number required (1.9) for Spanish; therefore, no deficiency is identified. In addition, the survey resulted in the identification of the need for 1.0 bilingual positions for the Vietnamese language, which resulted in a deficiency for this language.

### **Recommended Bilingual Staffing**

Although the Act does not mandate the employment of bilingual staff when the 5% threshold is not met, the SPB recommends that the department evaluate its language needs when it reports a significant number of non-English contacts in any unit. This ensures that the department identifies units where it may have unmet language needs and ensures it has identified bilingual resources to enable it to provide access to its information and services by non- or limited-English proficient (LEP) people. The SPB has set a threshold of 25 or more contacts (650 annual contacts) as the level of contact when it would identify recommended bilingual staffing levels to provide for equal level of services. The department should evaluate the significance of the number of contacts and the bilingual staffing it has available in these units and ensure it has adequate bilingual resources to meet its identified needs.

The above unit summary identifies recommended bilingual needs as follows:

**Example 2** – The Unit Summary Report shows that the department received 25 or more non-English contacts in two languages that did not meet the 5% threshold. The department reported receiving 73 (4%) Arabic and 36 (2%) Korean language contacts. In these instances, the reports identify recommended staffing levels to ensure equal level of services.

A calculation is made in the same manner as deficiencies are determined for languages that meet the 5% threshold (total number of public contact positions multiplied by the percentage of public contacts for the non-English language). This calculation resulted in staffing recommendations of 1.5 bilingual positions (Arabic [1.0] and Korean [0.5]) for this unit. Although not mandated by the Act, the SPB recommends departments evaluate the need to employ bilingual staff or identify other appropriate bilingual resources to ensure its LEP customers are provided with an appropriate level of service.